

# ZION'S HERALD AND WESLEYAN JOURNAL.

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From the Portsmouth (N. H.) Gazette.

WILLIAM H. RINDGE,  
"THE NOBLE SAILOR."

BY MRS. L. H. SIBOURNEY.

During the great and memorable fire in the city of New York, on the 15th December, 1835, a mother was seen in the streets, frantically seeking for her babe, which had been left in the upper story of a building enveloped in flames. A young sailor, on learning the fact, rushed through the devouring element, and in a few moments restored the child to its mother in safety.

"But ere the throng could learn his name,  
That noble tar had fled."

Considerable inquiry was made for the individual, at the time, and we believe the grateful parents went so far as to make a public call for information respecting him, though without effect. We are happy, however, to be able now to communicate the name of William H. Rindge, late of this city, as the sailor who did this noble deed; it being he is now beyond the "prime of man," and, we trust, is receiving his reward in heaven. William H. Rindge was the son of Capt. John Rindge, of this town. His school mates speak of him as of a noble, generous, daring disposition; as one who would be likely to do such an act as he did at the great fire in New York. On that occasion he contracted a cold, which three days later, and finally caused his death. The secret of his rescuing the infant sailor was revealed to his friends shortly before his death, and in anticipation of this event. We hope an enduring monument will be raised to his memory, and that, with a plain account of his conduct, as the said memorable occasion, the following lines, by Mrs. Sibourney, written some time since, and published in one of the periodicals of the day, will be inscribed thereon:

It was a fearful night,  
The strong flood sped  
From street to street, from spire to spire,  
And on their treasures fell.

Mark! 'tis a mother's cry,  
High o'er the tumult wild,  
As rushing toward her flame-wrapped home  
She shrieked—My child! my child!

A wanderer from the sea,  
A stranger, marked her way,  
And in his bosom woke  
The sympathetic glow.

Swift up the burning stairs  
With daring feet he flew,  
While wild clouds of stifling smoke  
Concealed him from the view.

Fact fell the burning beams  
Across his dangerous road,  
Till the chamber, where he groped  
Like fiery oven glowed.

But what a pealing shout!  
When from the wreck he came,  
And in his arms a smiling babe,  
Still crying with the flame.

The mother's raptures tears  
Forth like a torrent sped,  
But ere the throng could learn his name,  
That noble tar had fled.

Not for the praise of man  
Did he this deed of love—  
But on the bright unfolding page  
"Be registered above."

Correspondence of the N. Y. Observer.

RELIGIOUS RECORDS OF EUROPE.

Late affairs in Rome—Serious difficulties—Opposition by the Anti-Liberal Party—Conventions among the People—Popish superstitions in Italy—Progress of the Emancipation of the Jews in Europe—Discussion on this subject in Geneva—Appointment of a new Consistory in Geneva—Religious struggles in Switzerland.

The news from Rome and the Pontifical States daily become more serious. The excitement among the population threatens to lead to violent struggles. For a time all seemed to go well. Pius IX. made magnificent promises, and the people hailed them with enthusiasm. There was constant feasting. The holy fathers, as he is called, heard around him, whoever he went out of his palace, the most flattering plaudits. He was borne under triumphal arches erected by his subjects. It was truly the *homo novus* for the new pontiff. But at last the people of Rome became tired of waiting in vain for the performance of what had been promised. "We have waited now a year," they said, "and what have we got? Nothing, or next to nothing. No powers granted to laymen; the priests continue to hold all the important offices; foreign soldiers; Swiss mercenary troops with arms in hand on our streets and around our sovereign; the press muzzled; spies everywhere; no impartial justice; the old despotism kept up. It is then for this that we have shown so much love for Pius IX? Does he take us for fools?—and does the Pope suppose that we shall be satisfied with such empty words? Truly, we should be the laughing-stock of Europe and the whole world!"

Thus reasoned the Romans; and their discontent was the greater, when cardinal Gizzy, Secretary of State, published a proclamation in which he said the old institution would be faithfully maintained. The indignant people assembled in the streets where the Pope was to pass; and just as the pontifical train appeared, each one kept a sullen silence. This silence was significant. Pius IX. understood that he was in danger of losing the affection of his subjects, and that the enthusiastic feelings would be perhaps changed into indignation. He returned to the Vatican, sad, depressed, asking himself what he should do. His heart, it seems, is inclined to toleration, and he soon came to the conclusion to give some satisfaction to his people. Cardinal Gizzy was dismissed, and his place supplied by cardinal Ferretti, who possesses great popularity. A new proclamation appeared, announcing the approaching organization of a national guard. At once the Romans showed transports of joy. The houses were illuminated; the citizens embraced each other in public places. The joy was unexampled. Unhappy men! they have so long groined under the severest oppression that the least gleam of liberty maddens them! They are like shipwrecked seamen, who seize frantically the slightest plank which floats near them. But if the people were happy, the anti-liberal party were not. Cardinals, bishops, inquisitors, Jesuits, priests, and monks of every name, were in a rage. Several met in secret. The leaders were cardinal Lambruschini, who had occupied the first office under Gregory XVI., and cardinal Bernetti, who is wholly sold to the Austrian government. They formed, in concert with the Jesuits, a horrible conspiracy. These unprincipled men plotted to raise a sedition during a festival, to set the people at odds with the soldiers, and to take advantage of this tumult to impose their will upon Pius IX. himself. Blood would have flowed in torrents; but what cared these priests? Would they who applauded the massacre of St. Bartholomew be stopped by such scruples? They had also an understanding with

the cabinet of Vienna to have Austrian troops enter the Pontifical States.

Happily the conspiracy was discovered before the day appointed. A citizen named Cicero-naccia, more vigilant than the police, first succeeded in throwing light on this infamous plot. In trying circumstances, nations always have one or two eminent men who, by their commanding genius, take the direction of affairs. Cicero-naccia would seem to be such a man. He has admirable good sense, tried firmness, consummate prudence, and enjoys undisputed influence. The prudent partisans bow respectfully before the wonderful ascendancy of Cicero-naccia.

When the news of this conspiracy spread among the people, there was a great commotion. Crowds gathered round the pontiff's palace. The national guard was organized at once. All who had arms betook themselves to the principal places of the city, to preserve public order. Pius IX. was horror-struck on learning the particulars of the plot. He exclaimed, (as some correspondents from Rome relate.) "The time of clemency is past; that of severity is begun." The cardinals most implicated fled in haste. The pontiff's soldiers made common cause with the people. Cardinal Ferretti, who arrived at his post amidst this great agitation was hailed with enthusiasm. As to the Austrians, who entered Ferrara, not knowing that the conspiracy had been discovered, they were quite disconcerted when they learned that the Roman people were armed.

Things are thus at the moment we are writing. Who knows if new plots will not follow? Italy is upon a volcano. In Tuscany, in the duchy of Parma, in Piedmont, the inhabitants are in a state of feverish excitement. The provinces under Austrian rule are agitated also, and only a spark is wanting to kindle a vast conflagration.

The chief question is whether the Italians are ripe for liberty. I fear not. They have been for so many ages subjected to the degrading yoke of priests, that their character has become enervated. Look at the republics of South America: they have but the semblance of independence, the empty form of free institutions, because the Roman church has deeply degraded the people. Is it not nearly the same in Italy? Will the warm passions which now stir the inhabitants of the Pontifical States produce any permanent fruits? It is not enough, in order to become free, to have a lively imagination, and to adopt some sudden resolutions; there must be sound principles of conduct, and a soul disposed to make generous sacrifices. Are these to be found among the Italians?

Besides, the monks and priests will oppose, in spite of Pius IX.'s good intentions, a desperate resistance to the progress of the liberals. If one conspiracy is quashed, another will perhaps have better success.

The higher classes in Italy do not indeed practice the gross superstitions of Romanism; but the peasantry, the mechanics, the working classes, that is to say, the majority of the population, and the women especially, would seem to have the same ignorance and the same credulity as in the dark ages. I have under my eye an extract of a book published at Milan in 1844, and entitled: *Flotica, or Complete Manual of Devotion*. Speaking of transubstantiation, the author compares catholicism and paganism, and claims that the catholics are more privileged, because *their God is nearer to them*. "No nation," he says, "can boast of having its gods so near to it. When the Gentiles made gods according to their fancy, did they ever devise one who loved men so to remain shut up day and night upon the altars, in the substance of bread?"

Jesus is in the bread, refraining from moving himself, exposed in a jar; he is carried about where we will, upon an altar, in the streets, into houses. He lets himself be given in the communion to whomsoever the priest chooses, whether to the righteous or to the wicked. While he was on this earth, he obeyed the very holy Mary and saint Joseph; but in the sacrament he obeys as many creatures as there are priests in the world."

What a religion! It is a low and stupid fetishism. Jesus Christ, the God-man. He who created all things, is represented as confined in a bit of bread; his human nature, his divinity, all there. He is carried about like an idol; he obeys a priest; he is taken into a sinner's yard; he is eaten; God is the slave, the toy of man! Words are wanting to express the indignation, the horror which such a doctrine ought to inspire; and this is what the popish clergy teach still to Italians!

But let us turn from these disgusting superstitions to look at an object worthy of our warmest sympathies. Quite a movement is now made in Europe for the civil emancipation of the Jews.

The race of Abraham, oppressed for so many generations, and crushed under the blows of despotic despots, seems called by the goodness of God to enjoy a happier life. In all quarters public opinion demands that the Jews be treated like other citizens, and possess their obvious rights.

You know what has occurred in England. A Jew, Mr. Lionel de Rothschild has been chosen member of Parliament by the London voters, and to all appearance, the laws which forbid Jews to sit in the House of Commons will be abolished. In France we have some members of this race in the Chamber of Deputies. But it is especially in Germany that the question is warmly discussed. The Diet of Prussia has devoted several sittings to the subject. Most of the speakers were of opinion that the Jews ought to be admitted to all civil, military, and literary offices, not excepting the halls of national legislation. The government hesitates still; afraid apparently of hurting the prejudices which subsist in the lower classes of the people. But there is room to hope that reason and justice will prevail over this opposition. The other states of Germany—Hanover, the grand duchy of Baden, Wurtemberg—are also occupied with this question. It is gratifying to see that the majority of political men are disposed to break down the barriers which separate Jews from other citizens. They feel and say that the time is come to remove the intolerance of the dark ages.

The same in Sweden. The members of the Diet at Stockholm ask for the entire emancipation of the Jews, and it is hoped that this wish will be realized at the next session. The Pope himself, strange to say! has shown a disposition to abolish the iniquitous laws which oppress this people. Hitherto the Jews have been very badly treated in Rome. Whenever the Pontifical government needed money, it imposed upon them arbitrary taxes. At the least complaint of a Catholic, these unhappy men were thrown into prison. They inhabit a distinct quarter of the city called the *Ghetto*, which is shut up at night like a hospital. They are obliged to sue to the inquisitors in order to escape cruel persecutions. In a word, the Jews of Rome are in the most miserable condition. Pius IX., as I have said, shows a disposition to change this state of things, but he has been hindered by the prejudices of the people; for in the city of the Pope, even more than elsewhere, the populace reveres towards the Jews an hereditary hatred and contempt. To overcome this obstacle, some dis-

tinguished men of Rome lately gave a public dinner, and called upon the company to adopt more humane sentiments towards the Jews. We shall see if this step will produce any good effects. The Jesuits will try, no doubt, to oppose this movement, and to stir up the most intolerant passions against the descendants of Abraham.

A serious question occurs; how far shall the Jews conform themselves to their fellow citizens? It is plain that if the Jews persist in isolating themselves from other men and despising them, if they retain customs incongruous with modern civilization, they place a barrier between them and us. But on the contrary it is a fact that, in the last fifty years, the descendants of Abraham have materially changed their habits. They conform more and more to the usages of Christian nations. In Germany, at Koenigsberg and Offenbach, the Jews have transferred from Saturday to Sunday the celebration of their religious service, a great innovation for them. Never could the bitterest persecution induce them to take such a step. But in the desire which they feel to live like their fellow citizens, they will change probably several of their customs, and this will be a new means of bringing them by degrees to embrace the Christian faith.

While these great questions attract the attention of Europe, the little republic of Geneva goes on with its new religious organization. You recollect perhaps the letter which I wrote on the ecclesiastical constitution of this country. All the Protestant inhabitants of the republic were called upon to appoint a supreme consistory, charged with directing the affairs of the church. They were to choose six ecclesiastics and twenty-five laymen. This election was awaited with anxiety. Every one was curious to know what would come from so singular a constitution.

Towards the end of the last month the appointments took place. Orthodox Christians, particularly those who are attached to the Oratory and to the Theological school of Geneva, took no part. Dissenters also abstained from exercising their right to vote. For neither the one nor the other judged it suitable to assent beforehand to the decisions of a consistory appointed by the mass of the citizens. The quarrel was thus confined to the conservative party and the radicals. Two tickets were prepared by the leaders of each party. About six thousand individuals voted.

The country party, especially, showed much zeal. Radicalism hoped to carry a new victory, and left no stone unturned to succeed. But contrary to all expectation, the conservatives triumphed.

Matters are now very complicated. On one hand, the Genevese government is altogether radical; there are not twenty members of the conservative party in the Grand Council, and not one, believe, in the Council of State. On the other hand, it is directly the reverse in the official Consistory. How can these different bodies proceed in harmony? Will the council of State come to terms with the Consistory?—and will there not be rather continual conflicts?

Such are the evils of the union between church and state. So long as these two powers are not wholly separate, such collisions are inevitable. All Switzerland presents now a striking and sad proof of this. The Helvetic cantons are ready to carry on bloody war. Why? Because religion is mingled with politics. If each government had refused to meddle with discussions in which churches alone are concerned, the Swiss Confederation would not be on the point of being torn by bloody conflicts. But this subject is too important to be treated at the close of a letter; I will return to it at a better opportunity.

Accept, &c. G. DE F.

From the Herald and Journal.

ANOTHER "NAIL."

The proposed reform in singing is called, by a brother, "hitting the nail on the head." There is another nail needs hitting. It is the practice of sitting during prayers. This is becoming a general practice among all denominations, especially in social meetings. I know not how it looks to others, but to me it appears unreasonable, unscriptural, and uncourteous. Unreasonable, because those who worship idols, of every description, and among all nations, and in every age of the world, so far as I can learn, kneel or prostrate themselves before their gods. This, to them, looks reasonable; (for they have no revelation to go by.) so it does to me. Shall we go back beyond heathenism in our religious worship? God forbid! Kneeling, or prostrating, are the only Scriptural modes of worship, unless we adopt the "tradition of the Elders," and like the Pharisees, stand. It is uncourteous. Who ever saw or heard of a petition being handed in to the king, prince, or court, sitting? Who ever saw a criminal plead for his life, or pardon for a crime, in favor of the judge, &c., sitting? The thing is unheard of. And shall we, miserable sinners, sit when we petition the High Court of heaven to pardon and bless us? Shall we be more courteous to an earthly prince than to the Prince of Life? May heaven forbid this! It may be objected, that the one who prays stands or kneels when the petition is presented. Very well; does not the congregation join with him? If so, the least that can be done is for them to rise while he speaks. Besides this, it is a lazy habit. From sitting, people may proceed to lying down, and then going to sleep, in prayer time. May we not imagine some part of one's lifeless state in religious feelings, this abominable practice? Abominable, I say it boldly; so it looks to me, and I doubt not but heaven, with all its worshippers, looks upon it with detestation.

For one, I think the sooner we return to first principles and practices, in religious worship, the better. We have tried adaptation long enough. We adapt our entire system to the times; we give up extemporaneous preaching for written sermons; faith and Holy Ghost union for education and human eloquence; (human eloquence, I say, because this differs, materially, from heavenly eloquence, poured forth in a living stream from the heart, under the influence of God's spirit, as in the case of Peter, Paul, Whitefield, Wesley, and thousands of others;) the choir for congregational singing; sitting for kneeling; class-meetings have been abandoned, or mostly neglected; a polite call from the preacher instead of a ministerial visit, &c. Considering these adaptations to the age, can we wonder that God has withheld his spirit and blessing from the church?—No wonder that we cry out, My leanness! my leanness! wo is me, &c. God does not much approve of our adaptations, however much they may please men. They that worship God, must worship him in spirit and in truth, not in fashion and form. I hope God will raise up able men and ministers, who, under him, will reform the church and the world, in these, or other things, so that a more pure and evangelical worship may be seen and felt among us. Men have been growing wise, but their goodness does not keep pace with their wisdom. Lord help us to be wise, to do good, and to shun evil, that thy cause may prosper and thy kingdom come. E.

For the Herald and Journal.

A CLASS MEETING.

Mr. Editor,—If you think it best you may insert, in the Herald, the following short account of a class-meeting, which I had the pleasure to attend last week, as I generally do every Friday evening. I mention this meeting in particular, not because our meetings are not usually interesting, but as one of unusual interest and profit.

We commenced by singing "Am I a Soldier of the cross." After singing prayer was offered. All seemed heartily to unite in calling upon God. We soon felt that our prayers were heard, and to adopt the language of another, and say, "It is good for us to be here." After prayer we sung again,—"Arise my soul, arise," &c. Then all in the room briefly spoke of the prosperity of their souls. Some felt saved from all sin, others were earnestly desiring to be cleansed. All seemed happy in God. Glory be to his name. We once more bowed down before God, and while we prayed, we felt to say,

"O'erwhelmed with thy stupendous grace,  
I shall not in thy presence move,  
But breathe unutterable praise,  
And rapturous awe, and silent love."

All was silent, save many warm hearts breathing after God, with the fervent desires of the soul, and now and then, the sound of glory, scarcely loud enough to be heard.

No one seemed willing to rise from their knees. All seemed determined to wait until they were renewed, and after the victory was gained, and shouts of victory were heard from almost every heart, a short time was spent in calling upon God for a renewal of his work. Companions and children were remembered, and we felt that he who had said "Ask, and it shall be given you," would not be inattentive to our fervent prayers. It was a time long to be remembered. Praise God for class-meetings.

Eliot, Oct. 27. A. R. L.

From the North British Review.

WESLEY AND WHITEFIELD.

Few characters could be more completely the converse, and in the church's exigencies, more happily the supplement of one another, than those of George Whitefield and John Wesley; and had their views been identical, and their labors all along coincident, their large services to the gospel might have repeated Paul and Barnabas. Whitefield was soul, and Wesley was system. Whitefield was a summer-cloud, which burst at morning or noon in fragrant exhalation over an arid tract, and took the rest of the day to gather again; Wesley was the polished channel in the midst of the garden, through which the living water glided in bright brightness and perennial music, the same vivid stream from day to day. After a preaching paroxysm, Whitefield lay panting on his couch, speechless, and death-like; after his morning sermon in the foundry, Wesley would mount his pony, and trot, and chat, and gather similes, till he reached some country hamlet, where he would bait his charger, and talk through a little sermon with the villagers, and remount his pony and trot away again. In his aerial poise, Whitefield's eagle eye drank lustre from the source of light, and loved to look down on men in assembled myriads; Wesley's falcon glance did not sweep so far, but it searched more keenly, and marked more minutely, where it pierced. A master of assemblies, Whitefield was no match for an isolated man; seldom coping with the multitude, but strong in astute sagacity and personal ascendancy, Wesley could conquer any number, one by one. All force and impetus, Whitefield was like the powder-blast in the quarry, and by one explosive sermon, would shake a district, and detach materials for other men's long work; deft, neat, and painstaking, Wesley loved to split and trim each fragment into uniform plumbs and polished stones. Or, taken otherwise, Whitefield was the barometer of the weather who brought the timber of the house, and Wesley was the architect who set it up. Whitefield had no patience for ecclesiastical polity, no aptitude for pastoral details; with a heavier propensity for building, Wesley was always constructing societies, and with a king-like craft of ruling, was most at home when presiding over a class, or a Conference. It was their infelicity that they did not always work together; it was the happiness of the age and the furtherance of the gospel that they lived alongside of one another. Ten years older than his pupil, Wesley was a year or two later of attaining the joy and freedom of gospel forgiveness. It was whilst listening to Luther's Preface to the Romans, where he describes the change which God works in the heart through faith in Christ, that he felt his own heart strangely warmed; and finding that he trusted in Christ alone for salvation "an assurance was given him that Christ had taken away his sins, and saved him from the law of sin and death." And though in his subsequent piety a subtle analyst may detect a trace of that mysticism which was his first religion, even as to his second religion, Moravianism, he was indebted for some details of his eventual church order—no candid reader will deny that "righteousness, peace and joy in the Holy Ghost" had now become the religion of the Methodist; and for the half century of his ubiquitous career his piety retained this truly evangelic type.

A cool observer, who met him towards the close of his life, said "So fine an old man I never saw." The happiness of his mind beamed forth in his countenance. Every look showed how fully he enjoyed "the gay remembrance of a life well spent;" and wherever he went, he diffused a portion of his own felicity. Easy and affable in his demeanor, he accommodated himself to every sort of company, and showed how happily the most finished courtesy may be blended with the most perfect piety. In his conversation, we might be at a loss whether to admire most his fine classical taste, his extensive knowledge of men and things, or his overflowing goodness of heart. While the grave and serious were charmed with his wisdom, his sportive sallies of innocent mirth delighted even the young and thoughtless; and both saw, in his unobtrusive cheerfulness, the excellency of true Religion. To a degree scarcely paralleled, his piety had supplanted those strong instincts—the love of worldly distinction, the love of money, and the love of ease. The answer which he gave to his brother, when refusing to vindicate himself from a newspaper calumny, "Brother, when I devoted to God my ease, my time, my life, did I expect my reputation?" was no casual reply, but the system of his conduct. From the moment that the Fellow of Lincoln went into the highways, and helges, and commenced itinerant preacher, he bade farewell to earthly fame. And perhaps no Englishman, since the days of Bernard Gilpin, has given so much away. When his income was thirty pounds a year, he lived on twenty-eight, and saved two for charity. Next year he had sixty pounds, and still living on twenty-eight, he had thirty-two to spend. A fourth year raised his income to a hundred and twenty pounds, and

thus deadened, not so the mind; its activity seemed to be invigorated in a ratio which defies all description—for thought rose after thought with a rapidity of succession that is not probably conceivable by any one who has not himself been in a similar situation. The course of those thoughts I can even now in a great measure retraced—the event which had just taken place—the awkwardness that had produced it—the bustle it must have occasioned, (for I had observed two persons jump from the chains)—the manner in which he would disclose it to the rest of the family; and a thousand other circumstances minutely associated with home, were the first series of reflections that occurred. They then took a wider range—our last cruise, a former voyage and shipwreck, my school, the progress I had made there, and the time I had mispent, and even all my boyish pursuits and adventures. Thus traveling backwards, every past incident of my life seemed to glance across my recollection in retrograde succession; not, however, in mere outlines, as here stated, but the picture, filled up with every minute and collateral feature; in short, the whole period of my existence seemed to be placed before me in a panoramic review, and each act of it seemed to be accompanied by a conscious sense of right or wrong, or by some reflection on its consequences. Indeed, many trifling events which had been long forgotten, then crowded into my imagination, and with the character of recent familiarity.

My feelings while life was returning, were the reverse in every point of those which have been described above. One single but confused idea—a miserable belief that I was drowning—dwelt upon my mind, instead of the multitude of clear and definite ideas which had recently rushed through it; a helpless anxiety, a kind of continuous nightmare seemed to press heavily on every sense, and to prevent the formation of any one distinct, and it was with difficulty that I came convinced that I was really alive.

POPULATION OF THE GRAVE.

From extensive calculation it seems the average of human births per second, since the birth of Christ to this time, is about 815; which give about thirty-two thousand millions; and after deducting the present supposed population of the world, (950,000,000,) leaves the number of thirty-one thousand and forty millions that have gone down to the grave; giving death and the grave the victory over the living to the number of thirty thousand and eighty millions. Of this number in the grave, about

9,000,000,000 have died by War.

7,920,000,000 by Famine and Pestilence.

500,000,000 by Martyrdom.

580,000,000 by Intoxicating drink.

13,000,000 Natural or otherwise.

Thus it will be seen that war and strong drink have sent nearly one-third of the human race to a premature grave.

The calculations upon this subject might be extended to an almost indefinite length, and perhaps too, with propriety, if thought and meditation would dwell upon them and deduct the morals from each and every avenue. For instance, if strong drink has now had its 580,000,000 of victims, how many more must it have before the moderate drinker will lay his shoulder to the pledge of reform? Suppose that thirty days of intense agony and misery to be the lot of each drunkard's family of five each, what is the amount in the aggregate? Suppose it required even no more than fifty bushels of grain distilled to make a man a drunkard, how long would it last furnishing Europe? may even the whole universal world? It would amount to fifty-eight millions of barrels of flour.

Suppose again that each drunkard loses or wastes only ten years of his life, at three shillings per day, how many solid globes of gold of the size of our earth would it (\$653,080,000,000) purchase? Make your own calculations, not only upon these supposed cases, but any others of which the subject is susceptible, and the result will astonish you, and perhaps lead to a somewhat different course in life. These estimates are many of them below the reality.—Merchant's Ledger.

THE BENEFITS OF CONFESSION;  
OR THE CHARM OF LATIN ON THE SUPERSTITIOUS.

The American Protestant relates the following as a fact:—

We were much amused in hearing a gentleman in Philadelphia relate an incident with which he was acquainted. It occurred in a section of the city which has been frequently the scene of riots. A number of Irishmen were carousing one evening, who seemed to have more alcohol than brains in their heads. Reason and law had no control over them. They were exceedingly boisterous and violent in all their movements. The citizens were not only disturbed by their uproarious conduct, but no one knew how long his window or his head would be unbroken. After all effort to quiet these madmen had failed, one of the police came along. By a very singular mistake, order was soon restored, when both Irishmen and citizens enjoyed the privilege of sleep during the balance of the night.

Such was the state of the Irishmen, that the presence of the officer would have had little influence over them. They were such sons of liberty and independence in a free country, that they would not do so mean a thing as submit to the laws of the country, or to its officers. But one of the Irishmen, the most noisy of the crew, mistook the officer for a priest. Immediately all were hushed. The Irishman ran and fell on his knees before the officer, and begged for absolution. The policeman walked on, and refused absolution. The son of the Emerald Isle prostrated himself again, and offered to pay the priest, if he would only absolve him.

"How much money have you got?" said the officer.

"Twenty-five cents."

"Is that all?"

"Yes," said the trembling man.

"No," replied the officer, "I can't do it for that."

This threw the poor man into an agony of despair, and drew forth a fine specimen of Irish eloquence in the way of begging. Finally, after much importunity, and many solemn promises respecting his good conduct, the officer performed the work of absolution. The poor man fell upon his knees, while the officer put his hands on the head of the penitent, and in a very impressive and solemn tone repeated, again and again, "huc, hec, hoc, huc, hoc," &c. The ceremony being ended, the poor man rose, expressed his gratitude, and suddenly became one of the most quiet citizens of Philadelphia.—American Protestant.

THE CHILD'S DEATH.

I have read a father's sketch of the last illness and death of a son, in which he says, that after the death of the child he could not remember having omitted anything which he would wish he had done for him; he had given him such instruction, and watched as carefully over his spiritual welfare as even the tender sorrow for his death and the vivid sense of eternal things which he produced would lead him to wish he had.

How few parents can say this! Happy is the father, who, on the removal of a child to the world of spirits, is consoled by the assurance that he has done what he could do for the health both of the body and soul of the beloved one.

A few years since, a young man of fair promises, just entering his profession, became slightly ill, so as to keep his room, but without being confined to his bed. He saw his friends from day to day, and expected soon to be at his office again. An acquaintance slept in his apartment, in order to render any service which he might require. At a late hour on the fifth or sixth night, the invalid was seized with fatal symptoms. He sent for the minister, who was his friend's friend, but though he came, he was too late to administer to the wants of the departing soul. Hovering on the verge of life, the poor youth began to leave his farewell message for his mother, but his voice was hushed in death ere he had finished.

He was an amiable young man, but he had "neglected the great salvation." What wonder, then, that the afflicted father should say, "Would to God I had died for thee! yes, ten thousand deaths!"

How many hearts have bled under a similar affliction! How often, and in how many ways, are we admonished to work while it is day; to do with our might what our hand findeth to do; to be instant in prayer; and to watch for souls as those who must give an account.—Am. Mess.

VISIONS OF THE DROWNING.

Visions of Admiral Beauford when drowning, have lately appeared in a London book, and are copied into papers in this country. The respective activity of mind which these visions develop, is of great interest, considered as an element of the human constitution.

In the young days of Admiral Beauford, he fell overboard in Portsmouth harbor. He says:

With the violent but vain attempts to make myself heard, I had swallowed much water, I was exhausted by my struggles, and before any relief reached me I had sunk below the surface; all hope had fled, and all exertion ceased, and I felt that I was drowning.

From the moment that all exertion had ceased—which I imagine was the immediate consequence of complete suffocation—a calm feeling of the most perfect tranquility superceded the previous sensations—it might be called apathy, certainly not resignation, for drowning no longer appeared an evil—I no longer thought of being rescued, nor was I in any bodily pain. On the contrary, my sensations were now of rather a pleasurable cast, partaking of that dull but contented sort of feeling which precedes the sleep produced by fatigue. Though the senses were

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## HERALD AND JOURNAL.

WEDNESDAY, NOVEMBER 10, 1847.

## DIVISION OF THE CHURCH PROPERTY.

We promised last week to refer again to the comments of the Nashville Christian Advocate on our late article respecting the division of the church property. We must do so very briefly, for the very good reason that brother M'Ferrer's comments are so absolutely illogical that it would be folly to expatiate upon them. Here they are:—

"Now we would ask the Editor how he came to a knowledge of the fact that the Conference, by a constitutional vote, have resolved not to divide the property? Does he not know that several of the Conferences refused to vote at all, or if voting in the negative, affirmed at the time that their object was not to withhold the funds, but that in case of a division of the church, the property of right should be divided?"

"And does he not know, that no vote of the Annual Conference is requisite at all to divide the funds, when such division is expressly for the same purpose as prescribed in the Discipline? No man is so blind as he who voluntarily refuses to see, and nothing will prevent the sight quicker than a love of filthy lucre. Our Yankee friends are keen sighted when money is the object of the vision."

Now, the very best refutation we can give these formidable arguments, is to place here in juxtaposition the following passage, which constitutes the 6th Restrictive Rule of the Discipline:—

"They shall not appropriate the produce of the Book Concern, nor of the Charter Fund, to any other purpose than for the benefit of the traveling, superannuated, supernumerary, and worn-out preachers, their wives, widows, and children. Provided, nevertheless, that upon the concurrent recommendation of three-fourths of all the members of the several Annual Conferences, who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding such advice to alter any of the above restrictions, excepting the first article; and also, whenever such alteration or alterations shall have been first recommended by two-thirds of the General Conference, so soon as three-fourths of the members of all the Annual Conferences shall have concurred as aforesaid, such alteration or alterations shall take effect."

Here, then, it is, as clear as language can make it, that an affirmative vote of "three-fourths of all the members of the several Annual Conferences who shall be present and vote," is requisite for the division of the funds in question. How, then, ask we, in the name of all common sense, can our good friend at Nashville oppose to our assertion that the division has not been authorized, the transparent fallacy that "several of the Conferences refused to vote at all," &c. &c. The Rule requires that they should vote, in order to authorize the division; that they should vote for it; that a majority of three-fourths should vote for it—and yet our brother editor, expressly admitting that "several of the Conferences refused to vote at all," or "voted in the negative," asks us how we "came to a knowledge of the fact that the Conferences, by a constitutional vote, have refused to divide the property?" The reasons why the Conferences did not vote for it are entirely another matter. The simple question is, whether they have voted for the division.

His second paragraph is still more remarkable.—"Does he not know," he asks, "that no vote of the Annual Conference is requisite at all to divide the funds, when such division is expressly for the same purpose as is prescribed in the Discipline?" We confess our utter inability to answer this argument, because we are utterly unable to comprehend it. We suppose that an appropriation of our Book Concern funds, "for the benefit of the traveling, superannuated, supernumerary, and worn-out preachers, their wives, widows, and children," of another denomination, would be "expressly for the same purpose as is prescribed in the Discipline;" but would it therefore be constitutional? Would such appropriation, made to the "True Wesleyans," the Protestant Methodists, or the English Wesleyans, be legal?—and if not, how could it be if made to the M. E. Church South? Even were it true that the relations of the latter to the M. E. Church were harmonious, yet this would not affect the matter; the Methodists in Canada and in England are in amicable relations with us. The simple question is, whether the M. E. Church South is a separate and distinct body? If so, such an appropriation can no more be made, without the vote prescribed in the Discipline, than in the case of the Canada church, or any other in harmonious relations with us.

We repeat, then, the assertion of our former article, that the Annual Conferences have refused to the General Conference the power to divide the funds in question. And here we must dismiss the logic of our brother editor at Nashville.

We have long ago expressed a wish that the South should have a proportionate amount of the church funds. We have clung to the hope that such an appropriation could be effected, but we confess our hope has declined with every new phase of the controversy. There is not, and has not been, any legal obligation on the M. E. Church to divide with the South the property in question. The obligation, if any, was purely moral;—equitable, but then only the stronger on that account. Yet such an obligation must depend upon contingencies; it must depend on moral considerations, and we are compelled to admit (and we do it with the deepest regret) that the course of the South has thus far tended only to weaken the moral argument for the division. It has violated the Plan of Separation, it has invaded our borders, has wrested from our people their chapels, has fomented public and violent hostilities against our societies about the line, and has pursued a continued course of crimination and vituperation against us. These are some of the reasons assigned why the North should not feel itself morally bound to endow with property which is legally its own its Southern neighbor. But there is another, and to New England a paramount consideration, viz., the proslavery position of the Southern Church. All the sentiments thus far expressed by its assemblies, its organs, and its chief men, on the subject of slavery, directly or indirectly, are against what the North and the whole Christian world considers the interests and rights of the down-trodden millions of human beings within its limits. Disguise it as we may, the whole moral bearing of the M. E. Church South is proslavery. Considering the reasons of its secession, and its subsequent proceedings, the Christian world does and must recognize it as a great ecclesiastical fortification around that greatest enormity in Christendom—American slavery. We have looked anxiously, but in vain, to see some declaration, protestation, or even mere indication, that might qualify its disastrous influence in this respect—which might say to the hundreds of thousands within it, and to the mil-

lions around it, that though separated from the North, through prudential reasons connected with the question of slavery, it would, nevertheless, vindicate the rights of God's oppressed ones, and exert itself, however prudently, yet directly and perseveringly, for the extinction of slavery. The Southern M. E. Church must do this, in some form, or else be rejected by God, and cast out from the communion of Protestant Christendom. It has not done so. It retains, indeed, our form of Discipline, but the references in it to slavery are a dead and detested letter, and will, most probably, be thrown away, at the first convenient opportunity. Thousands among us will feel that what otherwise might be a moral obligation for the division of the church property is nullified by this consideration. They will feel themselves forbidden of God and men to endow a great ecclesiastical organization in favor of a crime at which the whole civilized world cries out. It is yet within the power of the South to qualify its position, and vindicate its moral claim (for such alone we contend it has had) to the funds in question. But if it does not, so far as our feeble voice can reach it, we admonish it that there are men in the North who will cut off their right hand rather than voluntarily give one cent to wards cementing the bonds of the slave, by the endowment of a proslavery church. If the law of the land should wrest the property from them, they will let it do so, but they cannot voluntarily place it with their own hands on the altar of slavery.

There is but one way, that we can perceive, by which this whole difficulty can be adjusted, under present circumstances, viz., to abandon the dividends of the Book Concern—apply its entire resources to a reduction of its prices, and, as in the case of Canada, let the South have our books at cost. They will then share as well as the North in the real advantages of the institution, and better than they would if they should establish one for themselves in the South, for no such establishment can be conducted advantageously beyond Mason and Dixon's line. Meanwhile this course will suppress the charge of cupidity made against the North by Southern editors, for there will remain no pecuniary advantage to the Conferences. But we shall say more on this point hereafter.

## ITALY.

## THE LATE NEWS—HER PROSPECTS.

The news by the Caledonia confirms our late prediction that Austria would compromise with the Pope, explain away her interference at Ferrara, and thus take away the provocation she was giving for a great liberal combination in Italy. The following is the news in brief:—The Austrians gave up Ferrara, on the 3d ult., to the pontifical troops. The guard houses of the town were surrendered by the Austrians troops to the national guard. Rome continues perfectly quiet. The election of the officers of the national guard was proceeding without excitement. The fears of the retirement of Cardinal Fieschi were unfounded.

The accounts respecting the insurgents in the two Sicilies are still contradictory. In Lucera the liberty of the press has been declared, but with such restrictions as to reduce the right to nothing. The last accounts announce the abdication of the Duke of Lucera in favor of the Grand Duke of Tuscany. A commercial Congress is about to assemble at Turin, for the purpose of organizing an Italian customs league, which Naples had refused to join. The Piedmontese Gazette of the 11th inst. announces a change in the Sardinian ministry, the liberals having reorganized.

Now that the foreign consideration which united the liberalists fails, they will turn their ardor against each other. We wish it could be otherwise, but we predict that no effectual amelioration of Italy can take place without a revolution in its religion, and this is virtually saying that none will take place for years. The moral temperance of the people must be changed before they can be capable of self-government, and their religion must be radically changed before their moral can improve—generations will be necessary for the process. All, therefore, is doubtful in respect to Italy. It is a terrible truth in history, that no nation has ever yet had a resurrection—no people, having reached its acme, and afterwards fallen into decay, has effectively risen again. Other races may intervene and raise up new nationalities, bearing the same geographical names and limits; but a people thoroughly demoralized, after attaining a high civilization, must perish, according to all history, unless Christianity can work radically its renovation. Our subsequent news from Italy may be expected to be interesting, but chiefly as a narrative of struggles and failures in its projects of improvement. No sovereign of Europe will have more uncontrollable embarrassments than the Pope, during the next twelve months, and it is quite probable that Italy will now whirl off from the checks which have hitherto restrained her, into the same vortex of political anarchy to which popery has reduced Spain, Portugal, Mexico, and the republics of South America.

## ROMAN PAGEANTRY.

The Papists have not often attempted to make an impression in this country by the usual trumpery of their European displays. The shrewd practical sense of the American people would hardly sympathize with such trickery, and the Jesuits are too sagacious not to perceive it. They are beginning, however, to try the experiment. The pompous ceremonies, some time since, at the dedication of the Cathedral in Cincinnati, and the frequent processions of Catholic Benevolent and Temperance Societies in our streets, displaying on their banners the symbols of their faith, are evidences of a policy, in this respect, which is guided by secret and sacerdotal hands. The following is a specimen of this management on a rather ostentatious scale. We quote from the Buffalo Commercial:—"At eight o'clock last evening, a large number of our fellow citizens assembled for the purpose of receiving Bishop Timon, and the three Bishops of the same church, who are expected to assist in the ceremony of his installation, to-morrow morning, at the Church of St. Louis. They formed into lines on each side of Main street, extending from Exchange in the middle of the block above Seneca. Each man wore a white scarf, and was provided with a flambeau. At a signal given by the Marshal, a line of light ran along the columns. Some delay occurred before the appearance of the parties expected. The Bishop was in a carriage drawn by four handsome white horses. The procession moved up Main Street toward St. Louis' Church, and cast upon the clouds a glaring light, which must have been visible for many miles."

## SWITZERLAND.

Accounts by the steamer, respecting Switzerland, are contradictory. At one time it seems that actual civil war is about to break out, whilst the next indications are more pacific. According to the calculations of the reformers, the Sonderbund has only 31,823 men and 119 guns, to oppose to 96,993 men and 278 guns. The latest advisers represent civil war as imminent. It was even reported in Paris, that hostilities had actually commenced, that the report of firing was heard in the direction of Geneva on the 14th instant. The reformers elected their representatives in Berne, by 322 votes against 206.

## Correspondence.

## LETTER FROM WESTERN NEW YORK.

BY A NEW ENGLANDER.

Secretary—General Conference—Lyons—Methodism there—Father Cole.

At a considerable elevation, about midway between Painted Post and Lyons, the seat of the General Conference in 1846, stands Ovid, the half-shire town of Seneca county. From this point we look forth upon one of the finest landscapes imaginable. This country, which is regarded as the *ne plus ultra* of fine soils, and princely farms, revealed to our delighted eyes, almost every nook and corner of the civilized world cries out. It is yet within the power of the South to qualify its position, and vindicate its moral claim (for such alone we contend it has had) to the funds in question. But if it does not, so far as our feeble voice can reach it, we admonish it that there are men in the North who will cut off their right hand rather than voluntarily give one cent to wards cementing the bonds of the slave, by the endowment of a proslavery church. If the law of the land should wrest the property from them, they will let it do so, but they cannot voluntarily place it with their own hands on the altar of slavery.

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with them. "Meeting," said I, "what meeting?" and to my utter consternation, I learned that Lyons was included in a circuit, and there was Methodist preaching every fortnight. It was useless to contend with my fate. I went, and the result, as you all know, was my happy conversion."

At a somewhat later period, (in 1810, I think,) God was pleased to visit Lyons and its vicinity, with a most gracious revival, and to the honor of the sex, which seems always to have been most susceptible of the attractions of the Cross, it must be recorded, that the instrument in this work was a maiden of about sixteen years, who had recently been converted at a camp-meeting. First her parents and brothers were made to feel the force of her appeal. "Is not this Christ?" but the work soon spread in all directions. Among the subjects of that revival was one, who for near 40 years has been a member of Genesee Conference. But some were "amazed," and others "mocked." Of the latter class was a learned Judge, whose misfortune it was to live nearly opposite the Methodist meeting house. Sometimes the "noise" greatly shocked him, and one morning he called out to his neighbor, Deacon G—, "What was the matter over the way, last night? Was the house on fire?" "Yes," said the good deacon, whose heart was always with us, "and a great conflagration it was, for the Universalism of your friends Dr. —, and Mr. —, took fire, and was all consumed." Both these gentlemen experienced religion on the evening referred to, and the latter is also a member of the Genesee Conference. That is, by the way, has been unfortunate here. Its earliest apostle, after a brilliant career of some weeks, was found one night so inebriated and abusive, that his own flock volunteered to help him out of the village on a piece of a fence. This is a very charitable version of the story as it was told to me.

Lyons was first included in the Seneca circuit, and Albany district, at the time when the latter embraced nearly all the territory now claimed by the Troy, Black River, Oneida, and Genesee Conferences. The first circuit preacher visited the place at the instance of Judge Dursley, an honored name in the church of Lyons. For more than 20 years this worthy man, an emigrant from Maryland, sustained to the infant society, the triple relation of steward, class-leader, and exhorter. The Lyons circuit, when organized in 1806, stretched nearly across Western New York. Among her numerous offspring may be reckoned those delightful stations, Canandaigua, Pen Yan, Vienna, Geneva, and others. Of Geneva, more anon.

## LETTER FROM MAINE.

Family School—Rev. Mr. and Mrs. Abbott—Teacher's Institute—Rail Road.

The town of Farmington, in Franklin Co., in this State, is one of the most pleasant and thriving villages in Maine. It is rapidly increasing in business and population, and destined at no very distant day to challenge an honorable rivalry with some of our river towns, now its superiors in wealth and commerce, as they are in natural and artificial advantages.

In a recent visit to this village I have been increasingly impressed with the above conviction. The soil rich and productive, the climate salubrious, the water excellent and abundant, the scenery romantic, all combine to mark it as a spot specially favored by Providence, and give it attractions which cannot fail to be felt and appreciated by all those who are susceptible of chastened and refined emotions.

Passing by its churches, schools, Academy, &c., I would direct attention for a moment to the private Literary Institution under the care of Rev. Samuel P. Abbott, and his excellent lady. This is pre-eminently a Family school,—at present limited to twenty-four boys between the ages of seven and sixteen. The pupils are mainly from this State, though several are from Mass., N. Y., and other States. Twenty of the boys board with Mr. A., and four of them on the opposite side of the street, under the roof of his late venerated father. They are all instructed in such branches of science as their parents prescribe, their morals strictly guarded, and their health and comfort cared for with parental solicitude.

Both Mr. and Mrs. Abbott are, I conceive, happily qualified for their laborious and responsible vocation. He is a younger brother of the two or three Rev. gentlemen who have written so extensively and so well on the subject of religious education, family government, &c., and who are at the head of similar schools in New York city, and in Norwich, Conn. It is delightful to witness the order, decorum, and chastened social familiarity observable between the Principal and pupils, the governing power, and the subjects of it. Quietness is a prominent characteristic in the governing process. A happier set of lads I have never seen than were assembled around their family board. There is but one vacation in their school during the year, and that is for six weeks from the 1st of May. The expense for each pupil, besides travelling expenses and classical books, is \$150 per year of 46 weeks—a sum that no parent who can possibly afford it should hesitate for a moment to pay, especially if the temporal and spiritual welfare of his son is a paramount object of regard.

I should add that Mr. A. is a present unable to accommodate any more, having been obliged already to refuse several applicants for admission. I believe, however, he keeps a list of applications, and accommodates them in their turn as fast as practicable.

The Teacher's Institute for Franklin Co., being in session, I availed myself of the opportunity of listening to a most instructive and entertaining lecture in the evening from Mr. Fowle, who three weeks since was superintending a similar association at Wiscasset. He gave a history of the origin of Teachers' Institutes, their design and adaptation to educational improvement, gratifying results of which were already perceptible. His lecture was marked by a strong moral and religious tone and could not have failed to inspire cheering hopes in regard to the elevation of our schools in this State. I understood there were about 90 male, and 70 female teachers in attendance, the members of the Board of Education for that county having exhibited a most commendable zeal in rallying as extensive a gathering as practicable. It could but be obvious even to a superficial observer, that such a protracted meeting of teachers for mutual improvement must be productive of the most happy and gratifying consequences.

Finally, it is calculated that a railroad will soon connect Farmington with the tide waters of the Kennebec. The convenience, the business, the interests of the people in that county demand this, and the demand will be heeded. About two or three years hence, and the merchant and farmer, it is confidently expected, will be able to ride in a railroad car from Farmington to Boston, in a little more time than it now takes to go from Farmington to Augusta by stage. When this desired project shall be consummated the Sandy River valley will hardly be second to the Kennebec in point of attractiveness for all the purposes of agriculture, enterprise, and commerce, which now so justly distinguish the citizens of this growing and happy State. Success, then, to Farmington, to Franklin County. May intellectual, moral, and religious improvement keep pace with its enterprise and general prosperity.

Bath, Nov. 1, 1847.

J. B. HESTED.

Thanksgiving the 25th inst.—no other date than for.

## LITERARY ITEMS.

SCHMIDT.—By the foreign news, we learn the death of the celebrated oriental scholar, Herr Schmidt, at the age of sixty-eight. This gentleman is more particularly known throughout Europe for his labors in the Mongolian and Tibetan languages and literature, having published grammars and dictionaries of both those tongues; also German translations of the works of the Mongolian historian Sanang-Seiten-Chungtaij, and a Tibetan translation of the Bible, which is said to have contributed greatly to the propagation of Christianity in Tibet. This distinguished orientalist held many high offices under the Russian Government.

The rich and valuable library of the Royal Society of Icelandic Literature in Copenhagen, was destroyed by fire on the morning of the 26th of Sept. The loss is distressing, inasmuch as the library contained more than 2000 unpublished MSS., and a numerous collection of single copies of Icelandic works. The destruction of this library recalls to mind that of the Arna-Magnean Institution, composed of more than 40,000 Icelandic manuscripts, which was burnt during the famous bombardment of Copenhagen, by the English, in 1807.

## FOREIGN INTELLIGENCE.

RELIGIOUS TOLERANCE IN ROME.—Advices from Rome state that an interesting ceremony took place in that city a short time ago, namely, the installation of a Jewish Chief Rabbi. It should be observed that the Jews of the Ghetto, since the death of their high priest, Rabbi Behar, a dozen years ago, had not been allowed to appoint a pontiff in succession. The person elected is named Israel Kassin, who was summoned there from the borders of Lake Geneva, where he enjoyed a reputation of sanctity and piety. His birth-place was Jerusalem, and his lineage is said to be traceable for ten centuries through a long Levitical ancestry.

JUGGERNAUT.—At a meeting of the court of proprietors of the East India Company, Mr. Poynter renewed the motion which he made at the Midsummer Court, to refer it to the Court of Directors to review the arguments for the continuance of the annual payment to the temple of Juggernaut, having special reference to their own despatch to the Bengal Government of February 20, 1833. The Rev. C. Lacey, a missionary, in describing the festival held in June and July, 1846, stated that, on the day of showing the idols, 180,000 persons surrounded the car; the deaths from cholera were enormous. Mr. Lacey referred also to the disgusting ceremonies of the festival, and added, "But it is not less odious only that it is commended and encouraged; every kind of vice is applauded. There are few crimes in the catalogue of human offences which Krishna is not admitted for having committed." No one could show that any pledge was ever given on the conquest of Cuttack, which required the continuance of the payment in question; and manifestly those who were despatched, as mere ministerial agents, to seize that province, had a very different work to do from setting up headism for ever. Ramchurn Roy, when this question was before the King in Council, said to him, (Mr. Poynter,) "It is your own Government alone who have prevented India from becoming a Christian country long ago."

Mr. Lewis seconded the motion.

After some observations from Mr. Sullivan, the Chairman, Mr. Poynter, Mr. Pinsep, Mr. Thompson, and Sir James Law Lushington, the Court divided, when there appeared for the motion, four; against it, forty.

Jews in Tunis.—Mr. Albert Cohen, who lately visited Algeria for the purpose of devising means of improving the condition of the Israelites, arrived in Tunis, and had an interview with the Bey, to whom he was presented by the French Consul-General. The facility with which Mr. Cohen speaks Arabic, enabled him to converse a long time with the Bey, relative to the object of his mission, and to impress him with an idea of its beneficial object. The Bey replied to Mr. Cohen—"With the assistance of God, I promise you to do every thing in my power for the Israelites of my kingdom. It is my sincere wish that they may be placed on the same footing as their co-religionists of France. In the meantime I give you full power to act as you think proper." The Israelites form about one-twentieth part of the population of Tunis, and their condition is wretched in the extreme.

DR. WISEMAN'S APPOINTMENT.—There is reason to believe that the Papal authorities are laying plans for such a consolidation and extension of their system in England, as recent occurrences and existing indications certainly give them ground to anticipate. It is not for nothing that Dr. Wiseman has been for so many weeks at Rome, and that now he has, instantly on his return, been appointed to take (at least temporarily) episcopal superintendence of the London District, in place of Dr. Griffiths, lately deceased. Rumor confidently affirms, that it is contemplated to establish in this country a regularly organized Romish hierarchy, with Dr. Wiseman at its head, as "Archbishop of Westminster." The London Tablet refers to this rumor with a caution which shows that it is a delicate subject, and that the writer probably knows a little more than he deems it discreet to publish. He drops a measure of his reserve, however, as he proceeds, and we are told, "The appointment of Dr. Wiseman is not to be taken singly. \* \* \*

"In placing Dr. Wiseman amongst us, his Holiness has evidently in view a change of system—new measures that have special reference to the altered circumstances of the times—measures by which not merely religion will be advanced and promoted, but, if we might hazard a conjecture, very probably the position of all classes of the clergy may be improved also." The London Tablet then anticipates, as respects the London District, "a restoration of the Canon Law, and a more prominent position and increased activity given to the religious orders"—for, adds our contemporary, though "thank God, we are not destitute of nuns, of monks, friars, Jesuits, and other religious orders, there is not a House in the District." One Jesuit House, however, "is in course of erection," and now, doubtless, many more may be looked for. Let us lay to the materials for consideration which we here add before our Protestant readers, the significant fact that the first intimation which the general public received of Dr. Wiseman's arrival from Rome, was through an announcement in the Court Circular that he had an interview with Lord John Russell, at the noble Premier's official residence in Downing street. How far that interview may have had reference to the matters we have now adverted to, we can, of course, have no knowledge, whatever we may conjecture or deem probable.

CAUSES OF APOSTACIES IN ENGLAND.—The London Morning Herald ascribes the apostacies to Romanism which have taken place so numerously in England, to the Literature of England, embodying the proselyting element. The writer says:—

"The literature of the last ten years has done far more to the preaching or the ritualism. A whole regiment of writers, Whig, Tory, and Radical, have combined to make every thing Protestant, and to extol every thing Popish. Miss Strickland has made angels of all our Popish Queens, and almost demons of all our Protestant ones. Mr. Tyler has done his

best to whitewash Mary of Scotland, and to blacken the fame of the Scottish Reformers. Mr. Maitland has done the like service for the English ones. The Edinburgh Review, and Mr. Mosely, have lent no small aid; and Mr. Burns, with his series of pretty little novels, has taught our young people that the Reformation was a judgment from God; the death of Edward VI., a providential deliverance; and the glorious Revolution a mere rebellion!"

The Rev. E. NOTES, and REV. JOSEPH WOODMAN, were appointed by the late Convention of Free Will Baptists, to represent them in England, in recognition of the delegation of Dr. Burns and Mr. Goadby from England.

We are indebted to Col. Hatch for early copies of the foreign papers. We owe the Col. many obligations, as does the Boston press generally. He has removed his office to No. 4 Rail Road Exchange, Tremont street, where we wish him much success.

CONSECRATION.—On Sunday week, in Christ Church, Hartford, Conn., the Rev. George Burgess, D. D., was consecrated Bishop of the diocese of Maine. Gardner is to be the future residence of Bishop Burgess.

THE EPISCOPAL BOARD OF MISSIONS, it is stated, are about to establish a Mission at San Francisco, California. The Rev. Mr. Leavenworth, who went out with the New York volunteers, is to be the first missionary. We ought to have one there ourselves.

"We hope our correspondent in Western New York will not forget his promise. We are very much obliged to him."

A CONFERENCE.—The editor of the Nashville Christian Advocate, in writing from the Louisville Conference at Glasgow, Ky., says that "the Rev. Dr. McCallen, formerly a minister of the Protestant Episcopal Church, was presented to the Conference as wishing to become a minister in our Church. He was received according to the prescribed forms of our Discipline. He is a gentleman of fine talents, and excellent character. After a fair, candid, and full examination of the subject, he renounces the doctrine of 'the succession,' as held by the Episcopal Church. 'This is rather a novel course respecting 'the succession,' most gentlemen of the profession who change their faith lately, are marvelously driven by harassing scruples in the opposite direction; they rush with the zeal of martyrs from the humbler churches where God willingly converted their souls, and afterwards providentially placed them as his ministers, into the easy functions and fat benefices of the rich but false church, thus periling their souls even, for the tremendously important doctrine of 'the succession.' There are many simple minds (alas for their want of acuteness,) which stupidly wonder why their insupportable scruples never lead them to seek 'the succession' in other quarters, where all prelatists acknowledge it to exist truly. There are, for instance, the poor but devout and self-sacrificing Moravians, who have Episcopal ordination, and are admitted by all Episcopal authorities to be in 'the succession,' yet none of these conscientious gentlemen are ever found resorting to this excellent little branch of the apostolic church, for the repose of their disturbed consciences."

THE FRUIT RIPPING.—In England, says the New York Commercial, there have been so many persons to Rome, from the ranks of the high Church clergy, that no one marvels at any addition to their number. The same tree is likely to bear the same fruit in this country. Rev. Mr. Allen, an Episcopal clergyman of Philadelphia, and Professor of Greek and Latin in the University of Pennsylvania, has joined the Romish Church. His lady and five children were received into the church next day after himself, and all seven were confirmed by Bishop Kenrick, on the 22d inst. Professor Allen was for many years President of Newark College, Delaware.

THE FACULTY is composed of the following: Rev. Harvey C. Webb, the Classics, Natural and Moral Philosophy, and English Literature. Mr. George M. Steel, the Mathematics, and the Sciences. Miss Jane Johnston, French, German, and Italian. Miss Mary E. White, and Algebra, and Assisted. Miss Caroline Church, English Branches. Mr. David G. Peabody, summer and fall terms. Mr. Thomas A. Cullen, Music. E. Adams Knight, and Physiology. Mr. Damon Y. Kilgus, and the History of the United States.

MAINE WESLEYAN. The examination of took place on the 13th inst. The Examination were present, take great examination was highly successful. The exercises, though men of the ordinary reviewing for this interesting on this account afforded the committee of the school. The well. Their promptness with the branches in which they were highly creditable, their teachers. The appearance of those which we have seldom school. The mode of instruction is well calculated, and to lead to self-reliance. The present term is one. A good number of students are in preparation for the attention is given, at the teachers for their work in the country was more thorough than in the Seminary, the school to the satisfaction of the committee, the friends of the well-doing. A few increasing the library would greatly promote. An additional hope that they are sufficient for this purpose. In behalf of the August, Oct. 28:

## Editor's Table.

GEORGIA SCENES.—This is one of the most humorous books produced this side the Atlantic. It is the production of a distinguished Methodist preacher of the South, but was written while he was a member of the Bar in the State where he locates his "scenes." Since his entrance upon the Christian ministry, he has declined to revise the work. We regret his scrupulousness in this respect, for by a revision many offensive phrases might be omitted, and as the book will live on, despite the wishes of the author, he should endeavor to render its influence as little pernicious as possible. These scenes are evidently true to life, and as such are worth reading. Their healthful humor is exhilarating enough to cure the dyspepsia. Harper, New York; Binney, Othman & Co., 1 Cornhill.

JAMES FRENCH, 78 Washington St., has issued a very elegant little volume, entitled "Zan," an imitation of Rev. T. A. Taylor. It is an interesting and able discussion of the nature, privileges, help, and instrumentalities of the church.

CARTER, New York, has published a very entertaining volume, entitled the "Martyrs and Covenanters of Scotland." It is abound in thrilling narratives of the trials of the Scotch Reformers, and later confessions of Christ. Binney



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## FATAL MISTAKES.

BY REV. C. WESLEY.

How fast the chains of nature bind  
Our poor degenerate race!  
What darkness clouds the parents' mind,  
If unawakened by grace!  
As wrong to take the tempter's part,  
They faintly answer,  
Their utmost power and utmost art  
Their offspring to destroy.

By Satan's subtlety beguiled,  
To Satan's school they send;  
And each delights the favorite child  
To humor and commend;  
The prod and rascal pride they fill,  
Heighten their sinning will;  
And fondly soothe the stubborn will  
To ten-fold stubbornness.

With lust of pleasure, wealth, and fame,  
Their children they inspire,  
And every vain desire inflame;  
And every passion fire;  
They wish them good, but rather great—  
Religious, but gentle;  
Pious, yet fond of pomp and state—  
As heaven would mix with hell.

Adorned in pearl and rich array,  
You see the murderer's prize!  
As, crowned with flowers, the victims lay  
Are led to sacrifice;  
Down a broad, easy way they glide,  
To endless misery;  
And curse their doating parents' pride  
To all eternity.

Others—a half-dissolving crew—  
The fond excess condemn;  
And rush with headlong zeal into  
The mercenary trade;  
They vent their passion's furious heat,  
In stern, tyrannic reign;  
In infant weakness look for power,  
In babes the strength of men;  
The wisdom ripe of hoary hairs  
From children they require;  
Till time their schemes in pious tears,  
And all in smoke expire.

Harrassed by long domestic war,  
With scarce a trace between,  
Their children's tender minds absorb  
The Egyptian discipline.  
They quip throw off the yoke severe,  
O'er nature's wilds to rove,  
And leave the objects of their fear,  
Whom they could never love.

## BIOGRAPHICAL.

Sister MARY JENNISON, wife of Rev. Isaac Jennison, died Oct. 12, aged 51 years. Our beloved sister experienced religion when a little over twelve years of age, and soon after joined the M. E. Church, of which she remained a highly esteemed and useful member till called from the toils and sorrows of earth to the rest and glories of heaven. During the sixteen years of her husband's itinerant career, the deceased proved herself a faithful laborer in the gospel vineyard. Some of our aged members, in several stations, will remember with interest our departed friend. In the various relations of life, sister J. was faithful and exemplary. For a year and a half previous to her death she suffered much, and her last hours were particularly distressing, but grace triumphed to the last. With the writer she left her dying charge to the church, in the following affecting terms:—"Tell the church to be faithful, humble, loving, kind, affectionate, and to live in peace." May divine grace abundantly support the bereaved husband, and the orphan children, and may we all meet our beloved sister in heaven.

Natick, Oct. 27.

J. S. J. GRIDLEY.

Widow HANNAH SEGAR died in Lynn, Sept. 30, very suddenly, aged 70 years. The assurance given in Scripture of those of a certain character is that their memory is blessed. These are the just; those made such by simple faith in an atoning Redeemer. That our departed sister was one of this character a consistent and steadfast Christian life of fifty years or more has given good evidence, and that her memory is blessed the uniform testimony of those who best knew her gives ample proof. She was one of those who joined the M. E. Church in the place in the days of Lee and his coadjutors. "Blessed are the dead who die in the Lord."

Lynn, Oct. 1847.

J. DENISON.

Mr. LORING B. RIDLEY died in Searsport, Me., Oct. 23, aged 31 years. Br. Ridley was emphatically "a good man, full of faith and of the Holy Ghost." For seven years he was the divine life buried with an increasing lustre on the altar of his heart. He died a worthy member of the M. E. Church in this place. "Heaven" was the last word that dropped from his lips, and then his happy spirit on seraph's wing took its heavenly flight, leaving extant upon his countenance an impressive smile of unutterable joy.

Searsport, Me., Oct. 25.

A. FOSTER.

Br. JOHN BECKETT, JR., died in North Searsport, Oct. 11, aged 24 years. He experienced religion more than four years ago, under the labors of Dr. A. Godfrey, and has ever since endeavored to live up to the high calling of his profession. He was regarded by the world as an upright, industrious, and promising citizen, and dearly loved by his class-mates as a devoted and generous brother. He endured the sufferings of that fatal disease, consumption, for over a year, with Christian patience. To a sister, a few hours before he died, he said, that if it was the will of God, he would go home that night.

N. Searsport, Me., Oct. 25.

A. WOODMAN.

JEFFERSON A. GOODRICH died in Fitchburg, Aug. 10, of consumption, in the 44th year of his age. Br. Goodrich experienced converting grace under the labors of Br. Joel Knight, and afterwards became connected with the M. E. Church in this place, of which for a number of years he was a steadfast supporter and worthy member. About six months before his death he obtained a special victory, and was enabled ever after to acquiesce in the Divine will, and at times especially to rejoice in hope of eternal life. He died triumphant, saying, the day before his departure, he had no doubt or fear as to his future state.

Fitchburg, Oct. 1847.

D. K. BANISTER.

Mrs. HARRIET K. wife of Br. S. O. Brown, of this place, died in Harwich, Sept. 18, aged 24 years. In the morning of life she became a follower of Christ, and became connected with the Congregational church in Dover. In 1846 she removed to this place and joined the M. E. Church, of which she remained a worthy member until her death. Her end was peace. As she began to travel through the vale, she called her friends to her bedside and bade them farewell, and sweetly fell asleep in Jesus. Her father died but twelve weeks before. She has left a circle of loved friends, with her companion, to mourn her loss. May they be also ready.

Fitchburg, Oct. 1847.

D. K. BANISTER.

NATHAN WETHERBEE died in this place, of the dysentery and typhus fever, Oct. 10, aged 35. He was a member of the M. E. Church in Fitchburg about three years. Br. Wetherbee was a peaceful, upright, benevolent, and faithful Christian. When our house of worship was built, he, with others who are still with us, bore with an unflinching step a heavy burden. He was ever ready to aid in sustaining the church to the extent of his ability. Though a modest, unassuming brother, he was a man of good sense, and a pillar in the church of God, firm, and ever in his place. The illness of which he died was brief, and his death rather sudden to himself, and friends. Hence he said but little in view of his certain and speedy approach to the grave; though during his illness he often expressed confidence in the Redeemer, and resignation to the divine will; and to doubt his safety would be to doubt the Word of Inspiration. "Mark the perfect man, and behold the upright, for the end of that man is peace."

Fitchburg, Oct. 1847.

For the Herald and Journal.

## THE METHODIST PROPERTY AT EAST CAMBRIDGE.

MIDDLESEX SUPREME JUDICIAL COURT, OCT. TERM, 1847.

The Proprietors of the Canal Bridge, vs. The Trustees of the Methodist Religious Society in Cambridge.

The same, vs. The Trustees of the Wesleyan Academy at Wilbraham.

These were writs of entry in the common form, bearing date of the 9th and 11th of May, 1844, respectively, and returnable before the said court at the October Term, 1844, whereby the Proprietors of the Canal Bridge demanded of the Trustees of the Methodist religious society in Cambridge a piece of land with the meeting-house and parsonage thereon, containing 8,420 square feet; and of the Trustees of the Wesleyan Academy, another adjoining piece of land, with the Academy building and dwellings-house thereon, containing 11,580 square feet—both forming a part of lot No. 118 on a plan of lands made by S. P. Fuller, recorded with Middlesex deeds, Lib. 213, Fol. 544.

At the return Term, the defendants, by an order of the Court, filed the following specification of the grounds of their claim:—

The defendants in this suit seek to recover the premises in the writ, on the ground of an alleged breach of the conditions in the deed (dated 14th Jan., 1823) by which the defendants conveyed the premises to Amos Binney and others,—deed recorded in book 246, page 184.

The breaches relied on by the defendants, are the following:—

1. That the parsonage-house, school-house, and meeting-house, mentioned in said deed, were not erected and finished within the time limited by the deed.

2. That the parsonage house was not erected on the land granted by the defendants, as required by the deed.

3. That there has been erected on the demised premises a dwelling house other than the parsonage, and not recognized by, but in breach of, the condition of said deed.

4. That the basement story under said meeting-house has been appropriated by the tenants for a tailor's shop, provision store, &c.

5. That the tenants, on or about Jan. 1, 1828, leased to the Trustees of the Wesleyan Academy, a part of the lands conveyed by the defendants by their deed aforesaid, (the part on which a school house and a dwelling house stand,) for the term of 999 years, at a nominal rent, and have, ever since the date of said lease, permitted said lessees to have possession of and to appropriate the demised premises, and the rents and income thereof, to uses and purposes other than the support of the public worship of God as specified in said deed.

6. That the tenants have heretofore conveyed a part of said premises, with the parsonage house thereon, in fee and in mortgage to Amos Binney, now of Boston, to secure the payment of \$1200.

7. That said lessees have heretofore conveyed that part of the premises leased to them in fee and in mortgage, to John Emory, Esq., of New York, to secure the payment of \$2500.

At the same Term, by a like order of the Court, the tenants filed the following specification of the grounds of their defence:—

1. That there has been a complete and full performance of all the conditions of the grant to Amos Binney and others by the defendants.

2. That there have been no acts done amounting to a breach or violation of any condition of the said grant, as alleged by the defendants.

3. That the time for the performance of the conditions of the said grant, as by the terms thereof limited, was extended by the defendants, and the said conditions performed either within said time or the time originally limited.

4. That the defendants have accepted the acts and doings of the grantees and those claiming under them as a full and satisfactory performance of the conditions of said grant, and have exonerated and discharged them therefrom, and from any further performance thereof.

5. That the conditions in said deed limited, were not the conditions of the grant, as declared and limited by the notes of the defendants, (granting the demised premises, as prayed for by the petition of Atherton H. Stevens, and others,) upon which said grant was made, and which were directed by the defendants to be limited in the deed thereof, but that the same were inserted in said deed without the knowledge or authority of the defendants, and to the prejudice of the defendants, and do not in fact constitute the conditions on which the demised premises are held or were granted.

6. That the several acts and things alleged by the defendants to have been done, and to be breaches of the said grant, have not been in fact done, or if done, do not constitute any such breach or breaches as will work a forfeiture of the demised premises.

7. That neither the demised premises, nor any part thereof, nor the rents and income thereof, have been appropriated to uses and purposes other than those limited by the terms of said grant, and contemplated by the defendants.

8. That the lease and mortgages alleged by the defendants to have been made, and the alleged appropriation of the basement story of the meeting-house to a tailor's shop, provision store, &c., in fact made and done, were made and done in performance of, and to obtain the means to perform, the conditions of the said grant.

9. That the parsonage house was in fact erected on the premises granted by the defendants, or if not wholly, so far, at least, as to be a substantial performance of the conditions of said grant, or if not, the same has been accepted as a performance, and all objection thereto waived and relinquished by the defendants.

10. That the last condition in said deed is repugnant to the said grant, and to the conditions in said deed previously limited, and to the uses and purposes therein declared.

A trial of said action was had before the jury, at the October Term, 1845, at which a mass of documentary and other evidence was introduced, and a verdict taken for the tenants by consent, subject to the opinion of the whole Court upon the questions of law arising upon the facts of the

case, about which there was no dispute, and which were, in substance, as follows:—

The demised premises were originally the property of the Lechmere Point Corporation, which was established March 3, 1810, and expired March 3, 1822, but was revived June 15, 1822, for six months, and again and finally expired Dec. 15, 1815, and were conveyed by said Lechmere Point Corporation, just before its expiration, to the defendants.

In September, 1823, Atherton H. Stevens, and other gentlemen, composing the unincorporated Methodist religious society, in Cambridge, applied by petition to the Lechmere Point Corporation, for a donation of a lot of land, for the erection of a house for public worship, which petition the Lechmere Point Corporation, on the 21st of September, 1823, referred to a committee of the Directors, and afterwards, on the 31st of October, 1822, to the proprietors of the Canal Bridge, to whom they had already conveyed, or were about to convey, the land.

On the seventh or ninth of Nov., 1822, at a proprietors' meeting of the Canal Bridge, "the committee to whom was referred the petition of Atherton H. Stevens and others, asking a donation of land for the erection of a house for public worship and other purposes," reported that they had seen the petitioners, and from conversation with them learned that they wished to erect a house for the minister, and a school, and that "impressed with the utility of such institutions, and considering that the property generally will be enhanced in value, it is, in their opinion, expedient to grant them a lot of land one hundred feet square, at the corner of Cambridge and South Third Streets, provided a church shall be erected and finished in the course of two years, and one other lot of one hundred feet square, on the corner of Otis and South Third streets, provided that a suitable dwelling house for the clergyman, and a school-house, shall be erected and finished within three years from the present period; that the land shall be conveyed to Trustees appointed by petitioners, and approved by the directors, and in case of non-compliance with the conditions above named, said lots to revert to the Canal Bridge," which report was read and accepted by said Canal Bridge.

On the 20th of December, 1822, the petitioners, at a meeting held for that purpose, organized themselves as a Methodist religious society, and chose a Chairman and Clerk, and the said copy of the foregoing report and vote of the Canal Bridge, signed by the said Otis as aforesaid, being read to them, they accepted the grant, upon the conditions therein specified, and appointed Col. Amos Binney, John Clark, William Granville, Deming Jarvis, and Atherton H. Stevens, all members of the Methodist Church or society, Trustees, and directed them to take and hold the land for the purposes for which it was granted, under the direction of the New England Conference of said Church exclusively.

On the 10th of January, 1823, the directors of the Canal Bridge approved the said Trustees, ordered a deed to be made, and a meeting of the proprietors called to enable the President to sign the same.

On the 14th of January, 1823, the proprietors of the Canal Bridge, by vote, authorized and directed their President, William Payne, to execute a deed of the granted land, "according to a vote of the proprietors of Nov. 9, 1822, and the report of the committee and vote thereof."

Accordingly on the same day, Mr. Payne executed the said deed, dated Jan. 14, 1823, of the granted land to the said Trustees, Amos Binney, and others, their heirs and assigns, "to have and to hold to them and their heirs and assigns, and subject to the several conditions, declarations, and agreements hereinafter named, to wit, in trust for Atherton H. Stevens, and twenty-eight other persons named, 'their heirs and assigns,' who then composed the Methodist religious society, 'together with such other persons as may associate with them for the public worship of God, and the erection on said premises granted of a church or meeting-house for said worship, as also a house for the clergyman, and a school-house. And this grant hereby made is upon the express condition that the grantees or cestui que trust, or some of them, shall build and finish within two years from the ninth day of November last, on the lot hereby conveyed, a church or meeting-house, for the public worship of God; and shall also build and finish within three years from the said ninth day of November, a suitable dwelling-house for the clergyman, and a school-house, all on the lot hereby conveyed, and in case the said church or meeting-house, and parsonage and school-house, shall not be built on said lot, and finished within the respective periods above mentioned, then the land hereby granted, with its appurtenances, is to revert to the said proprietors of the Canal Bridge. And this grant is upon this further condition, that the land hereby conveyed shall be for ever hereafter appropriated to the maintenance and support of the public worship of God as hereinbefore specified, and to no other use or purpose whatever. Otherwise the same to revert to said corporation of the Canal Bridge, as above mentioned."

On the 18th of January, 1823, the Trustees and petitioners, at a meeting held on that day, received the report of Mr. Jarvis, that a deed had been obtained, and was on record, and voted, to apply by petition to the Legislature, for an Act of Incorporation as the Methodist Religious Society in Cambridge.

On the 14th of June, 1823, upon the said petition, the Legislature accordingly incorporated the said Trustees, together with two other of the petitioners and members of the religious society, by the name of "The Trustees of the Methodist Religious Society in Cambridge;" this manner of incorporation being in accordance with the rules of the religious societies of that church, of which Trustees are the usual and proper officers for taking and holding the property of the church and society.

The second section of said act empowers the Trustees to hold any real or personal estate not exceeding fifty thousand dollars in value, for the benefit of the Methodist religious society in Cambridge, and to manage, improve, or sell or convey the same, subject to such rules and regulations as may be prescribed and adopted by a majority of the male members of the society, at an annual meeting.

On the 21st of July, 1823, the Trustees held their first meeting under the act of incorporation, accepted the same, and on the 28th made a code of bye-laws, the sixth article of which provides that all deeds and mortgages signed by the Treasurer and countersigned by the Secretary, shall bind the corporation.

On the 25th of July, 1823, all the male members of the Methodist religious society, and the cestui que trusts of the deed, who resided in Cambridge, made a writing of that date, prescribing as a rule of the society, that the Trustees should have power to pledge or mortgage this property for debts contracted by them as such Trustees.

On the same day, (July 25, 1823,) Col. Binney by his letter of that date, proposed to the Trustees, to build the meeting-house required by the grant, on condition that the Trustees would pay him interest on the money advanced, and mortgage the property to him as security, which proposition, the Trustees, on the 9th of August, 1823, accepted, and appointed a building Committee.

Binney, in conjunction with the building Committee, accordingly built and completed the meeting-house in the spring of 1824, and the same was dedicated, July 21, 1824, and has ever

since been occupied and used for the public worship of God, as a Methodist church, under the direction of the said New England Conference. The meeting-house was constructed with a large cellar or basement under it, adapted for storage, and other purposes, which, on the 27th of May, 1824, the Trustees ordered Col. Binney to lease, for one or more years; and he accordingly leased the same for the storage of glass.

On the 17th of December, 1824, the individual Trustees, by said deed, dated July 1, 1825, conveyed all the trust property, and the demised premises, to the incorporated Board.

On the 24th of June, 1825, the Trustees were notified by the Canal Bridge, that they should require them to build the dwelling house and school house, within the time limited, and they thereupon, voted to mortgage the property to Col. Binney, or any other person, who would advance the money to build the buildings required by the grant, and also give a lease of the buildings thus erected, to pay the interest, until such advances should be paid; and they appointed a committee to borrow the necessary funds, and erect the buildings.

On the 7th of October, 1825, the directors, and on the 25th of April, 1826, the proprietors of the Canal Bridge, the "meeting-house and dwelling house," [the parsonage house,] "being completed," granted to "the Trustees of the Methodist religious society, at Lechmere Point," an extension of the time for the completion of the school house, to Nov. 1, 1826, before which time, Col. Binney, having advanced all the money, the school house, which, together with the meeting-house and parsonage house, then already erected, were required by the grant, and also another dwelling house, not named in the grant, adjoining the school house, and together with it, forming the school house block, were erected and completed.

On the 24th of October, 1826, the directors of the Canal Bridge, at the request of Col. Binney, appointed Messrs. Payne and Francis a committee, to ascertain if the conditions of the grant had been complied with, which Committee, on the 16th of November, 1826, reported that they had examined the buildings erected, and that a meeting-house, parsonage-house, and school-house, have been erected on said land, in conformity to the conditions of said grant, and that they had been built of brick, in a substantial manner, which report was received by the Canal Bridge to the said Trustees, and by the said Trustees, reported, that they were originally made and were in Nov., 1826, when visited by the Committee of the Canal Bridge.

The Trustees of the Methodist religious society have always held and maintained, and now hold and maintain, the said meeting-house for the public worship of God, by said Methodist religious society, and the parsonage house for the use of their minister. Constant religious worship has been kept up in said meeting-house, and all the income arising from said parsonage-house, and meeting-house, and the basement and shops under it, have been applied by them to the support and maintenance of public worship.

On the 25th of April, 1841, the defendants made an actual entry on both the parcels of land, demanded in said actions for breach of the conditions of their said deed of Jan. 14, 1823, and for the purpose of obtaining seizure and possession thereof upon the ground of an alleged forfeiture.

The defendants at the trial abandoned three grounds of their claims, to wit, those marked in their said specification, 1, 2, and retained the residue thereof, to wit, those marked 3, 4, 5, 6, and 7.

Upon the foregoing facts, these causes came on for argument before the full bench at the October term, 1846, and were then, and at the February sittings, 1847, elaborately argued by Ephraim Buttrick, Esq., for the defendants, and by Richard Fletcher, Esq., and Amos B. Merrill, Esqs., for the tenants.

The principal ground insisted on for the defendants was that the last condition in the deed of the defendants to Amos Binney and others, required the whole land to be appropriated to the support and maintenance of public worship, and to no other uses and purposes; that the lease to the Wesleyan Academy for 999 years was equivalent to a sale in fee simple, and the taking of the profits and rents by the Wesleyan Academy was an appropriation to other uses and purposes than declared in the condition; that although the land or any part of it might be lawfully conveyed in fee, or otherwise, yet the use and right to take the profits, could not be conveyed with the fee, but must be appropriated according to the condition; and hence, that all the acts alleged in their specification, Nos. 3, 4, 5, 6, 7, were breaches of the said last condition; it being now admitted by the defendants that the former conditions of said deed had been fully performed.

On the other hand, it was maintained for the tenants, that, admitting said last condition to be a good condition in law, it had been fully performed by the tenants; that the lease to the Wesleyan Academy was made to obtain the means to perform the conditions of the grant; that the sum of \$2,316, the consideration paid for the land, (exclusive of the sum of \$5,730, the consideration paid for the buildings,) was then, and has ever since been appropriated to the support of public worship, by having been originally applied to the building of the meeting-house and parsonage, and by still remaining invested therein; that the right and power to sell and convey in fee simple, necessarily includes the right to sell and convey the use and the right to take the rents and profits of the estate sold; that if the condition prohibited the sale and conveyance of the use of the land, and would, therefore, be void, as being in restraint of Alienation.

It was also maintained for the tenants, that if construction was to be resorted to, for the purpose of making a good condition, if possible, (which they submitted that the court would not undertake, inasmuch as all conditions are, in law, odious, and to stand, if at all, on their strict terms,) then the only construction was, that the land, so far as before, by the deed appropriated to the maintenance of public worship, and no farther, should be for ever after so appropriated; that is, that a meeting-house should be for ever maintained on the land, which had been done.

But the main ground insisted on for the tenants was that the last condition, requiring the whole land to be forever appropriated to the support and maintenance of public worship, was inconsistent with, and repugnant to the former conditions of the deed; which required the land to be partly appropriated to a school-house, and the maintenance of a school; and that said condition, being so repugnant, was void.

Another ground taken for the tenants, was that, as the reversionary right of the defendants was a contingent, executory interest, it fell within the rule of law against perpetuities, which prescribes that when an estate is limited to arise or terminate upon an event which must not necessarily happen within a fixed period of time, (as, within three lives in being and twenty-one years afterwards, such limitation is void for remoteness; and that this rule of law applies, as well to estates on condition as to estates limited by way of springing or shifting uses.) This position was sustained by Lewis, a late eminent writer on perpetuities, and the authorities by him cited.

At the last term, (Oct., 1847,) the opinion of the whole court was delivered by Chief Justice Shaw.

It was for the tenants, on all points but the last, to wit, that the cases came within the rule against perpetuities, upon which point they gave no opinion. The main grounds on which they decided the causes were,

1. That there had been no breach of any condition of the deed.

2. That the last condition of the deed was repugnant to the former conditions of the deed, and to the uses and purposes therein declared.

Many other points were involved in the decision, which we regret that our limits will not allow us to present. It is sufficient to add that judgment was thereupon rendered for the tenants, in both actions.

On the 12th of November, 1830, the Trustees of the Wesleyan Academy, by their said mortgage of that date, mortgaged their lease to John Emory, for the sum of \$2,500, which was afterwards paid and discharged July 9, 1834, the said Emory never having taken the rents or profits, or had possession of the mortgaged premises.

On the 1st of October, 1835, the Trustees of the Methodist religious society, being indebted to the estate of Col. Binney, then deceased, for erecting the buildings required by said grant, and for other money advanced for repairs of said meeting and parsonage houses, and other purposes of said Methodist religious society, executed said mortgage deed, of the parsonage house, to Dr. Amos Binney, son of Col. Amos Binney, as security for the payment of that sum, which said mortgage is now unpaid and outstanding, but has never been foreclosed, nor possession taken under it, and which the said Dr. Binney stated at the trial that he was ready any time to cancel and discharge, if it is material in the case.

The cellar or basement under the meeting-house, from 1824 to 1842, was leased, and appropriated by the Trustees of the Methodist religious society for a store-house for glass and other merchandise. During this period an embankment, about four feet high, extended from the north side of the meeting-house to the sidewalk on Cambridge street, and came above and covered the unwhewn granite foundations of the meeting-house. In 1842 the said embankment was removed to the level of the sidewalk, leaving the said foundations uncovered; windows and doors were inserted in the basement walls, and the basement finished off into a vestry and two other rooms, suitable for stores or shops.

The vestry has always been used for public worship since ever since been rented for a provision store, and tailor's shop. In all other respects the meeting-house and parsonage-house remain precisely as they were originally made and were in Nov., 1826, when visited by the Committee of the Canal Bridge.

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